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Message Text

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ACTION IO-14

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SECSTATE FOR ASST SECY MAYNES, IO FROM AMB VANDEN HEUVEL

E.O. 11652: N/A
TAGS: UNGA, SHUM
SUBJECT: HUMAN RIGHTS ISSUES AT 33RD UNGA - SCOPE PAPER

REF: (A) STATE 188597 (B) GENEVA 10987 (C) GENEVA 11223

1.I GREATLY APPRECIATE YOUR SENDING DRAFT SCOPE PAPER AND INVITING OUR COMMENTS. IN RESTRICING OUR DISCUSSION TO THE STRATEGY ON HUMAN RIGHTS ISSUES TO THE 33RD UNGA, I TRUST WE WILL HAVE TIME DURING AUGUST 8-10 VISIT TO DISCUSS LARGER AGENDA FOR HUMAN RIGHTS IN THE MULTILATERAL FIELD.

2. SPECIFIC ACTION PROPOSALS:
A. WE SHOULD CONSIDER A DIFFERENT KIND OF SPEECH MARKING THE 30TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, NOT THE SELF-RIGHTEOUS "I AM RIGHT AND YOU ARE WRONG" OR THE "LOOK AT THE MANY GOOD THINGS WE HAVE DONE" SPEECH, BUT INSTEAD AN ELOQUENT, REASONED ANALYSIS OF WHY THE UN HAS NOT BEEN AN EFFECTIVE INSTRUMENT TO IMPLEMENT AND INFLUENCE THE IDEALS OF THE DECLARATION. SINCE EVERYONE SEEMS TO BE "OVERVIEWING" EVERYTHING, PERHAPS OUR SPOKESMAN COULD GENTLY REMIND THE UNGA THAT
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SINCE GOVERNMENTS ARE THE PRINCIPAL VIOLATORS OF HUMAN RIGHTS THEY ARE NOT ALWAYS THE BEST JUDGES OF ALLEGED VIOLATIONS. IN ANALYZING THOSE PARTS OF THE UN WHICH HAVE HUMAN RIGHTS RESPONSIBILITIES, WE MAY BE ABLE TO RECOMMEND WAYS AND REALISTIC MEANS OF MAKING THEM EFFECTIVE. THE SPEECH SHOULD TRY TO THINK THROUGH A REASONABLE AGENDA IN HUMAN RIGHTS WITHIN THE FRAMEWORK OF THE UN FOR THE

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NEXT DECADE.

B. AS YOU KNOW ABOUT THIS ITEM FROM SORENSON'S TELCON WITH DALLEY, WE HAVE RESERVATIONS WHICH WERE STRENGTHENED AFTER READING BOBOTA 6930. WE DO NOT BELIEVE IT IS IN THE BEST INTERESTS OF THE US TO EXPAND THE ROLE OF THE GENERAL ASSEMBLY IN "MONITORING OR COORDINATING ALL HUMAN RIGHTS ACTIVITIES INCLUDING THOSE OF ORGANIZATIONS SUCH AS ILO AND UNESCO." OUR EXPERIENCE IS THAT THE ABILITY OF THE SPECIALIZED AGENCIES TO ADHERE TO THE STRICTLY TECHNICAL FUNCTIONS FOR WHICH THEY WERE CREATED IS DIMINISHED IN DIRECT PROPORTION TO THE GUIDANCE THEY RECEIVE FROM THE UN'S POLITICAL ORGANS, SUCH AS THE GA. BY AND LARGE, THE HUMAN RIGHTS MACHINERY OF THE ILO IS PROBABLY THE BEST AND MOST EFFECTIVE OF ANY OF THE EXISTING INTERNATIONAL ORGANIZATIONS, NOTWITHSTANDING OUR OWN FAILURE TO USE THAT MECHANISM EFFECTIVELY. I CAN THINK OF NO SURER WAY TO DIMINISH THE EFFECTIVENESS OF THAT MACHINERY THAN BY INTRODUCING A RESOLUTION IN THE GA WHICH WOULD PRACTICALLY INVITE THAT BODY TO TRY TO COORDINATE THE HUMAN RIGHTS ACTIVITIES OF THE ILO, WHICH ARE, AFTER ALL, UNDERTAKEN IN ACCORDANCE WITH ITS OWN CONVENTIONS. ON THE OTHER HAND, IF "COORDINATION AND REVIEW" MERELY MEANS THE ANNUAL PRESENTATION OF THE SUMMARY OF HUMAN RIGHTS PROGRAMS AND ACTIVITIES IN THE UN SYSTEM, THEN PERHAPS THE HUMAN RIGHTS DIVISION COULD BE ASSIGNED THE RESPONSIBILITY OF
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PREPARING SUCH AN INFORMATIONAL REPORT.

C. WE STRONGLY SUPPORT THE ITEM ON TORTURE WHICH WOULD URGE THE ESTABLISHMENT OF AN EXPERT GROUP TO SURVEY AND REPORT. WE WOULD ALSO LIKE TO RECOMMEND THAT THE MOMENTUM BEHIND THE CONVENTION OF TORTURE BE STRENGTHENED BY DOING EVERYTHING POSSIBLE TO SUPPORT THE WORK OF THE DRAFTING GROUP, AND FURTHER THAT THE OPTIONAL PROTOCOL WHICH WE FORWARDED TO THE DEPARTMENT FOR INCLUSION AS PART OF THE DRAFT CONVENTION BE SUPPORTED BY THE US DELEGATION.

D. WE SUPPORT THE IDEA OF HOLDING A RESUMED SESSION OF THE HUMAN RIGHTS COMMISSION IN CASE THE HRC DOES NOT COMPLETE THE OVERALL ANALYSIS AT ITS REGULAR 1979 SESSION. WE ALSO URGE THAT THE AGENDA FOR THE INITIAL SESSION BE AS TIGHT AND MEANINGFUL AS POSSIBLE. THE PROSPECTS FOR SUPPORT OF THE COSTA RICAN PROPOSAL FOR A UN HIGH COMMISSIONER FOR HUMAN RIGHTS SHOULD BE ANALYZED CAREFULLY WITH THE HOPE THAT NEW SUPPORT CAN BE FOUND SO THAT LAST YEAR'S CLOSE VOTE COULD BE TURNED INTO A VICTORY. SUPPORTING THIS PROPOSAL (EVEN IF WE ARE NOT SUCCESSFUL IN THIS

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UNGA) MIGHT PERMIT US TO GET COMMITMENTS TO INVOLVE
BUFFUM'S OFFICE IN LENDING ITS GOOD OFFICES TO SITUATIONS
WHERE SUCH INTERVENTION COULD BE AMELIORATIVE.

E. WE AGREE TO THE NEED FO AN ADDITIONAL PERSON IN THE
HR LIAISON OFFICE IN NEW YORK. HOWEVER, WE DO NOT SUPPORT
ADDITIONAL STAFF IN THE COMMUNICATIONS SECTION OF THE HUMAN
RIGHTS DIVISION AND WOULD PREFER OUR RECOMMENDATION AS SET
FORTH IN GENEVA 10987 PARAGRAPH 9. THE HR DIVISION IS
INEFFICIENT, DISORGANIZED, WEAKLY ADMINISTERED, AND

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LAGGING IN MOTIVATION. NONE OF THESE PROBLEMS WILL BE
CURED BY MORE PERSONNEL. MACHINES MAY HELP SOMEWHAT.

F. MISSION GENEVA BELIEVES PROPOSAL IN PARA F HAS GREAT
MERIT (SEE D ABOVE FOR VARIATION OF THIS PROPOSAL). WE
WOULD ADD THAT THE IDEA OF TECHNICAL ASSISTANCE ALSO BE
CONSIDERED FOR THOSE COUNTRIES THAT ARE ESTABLISHING LOCAL
AND NATIONAL INSTITUTIONS FOR THE PROTECTION OF HUMAN
RIGHTS (REFTEL C). SOME KIND OF AID MIGHT ALSO BE OFFERED
TO NGOS, WHICH WOULD PROVIDE THEM WITH ASSISTANCE IN
CONDUCTING THEIR SURVEYS AND INVESTIGATIONS.

3. WITH RESPECT TO SPECIFIC CASES OF HUMAN RIGHTS
VIOLATIONS:

A. SOUTH AFRICA
MISSION SUPPORTS THE DEPARTMENT'S VIEWS ON SOUTH AFRICAN
ITEM. WE ALSO RECOMMEND RAISING THE ISSUE OF DEATHS OF
DETAINEES IN SOUTH AFRICAN JAILS UNDER THIS ITEM.

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B. CHILE
DEPARTMENT MAY WISH TO EXPLORE WITH CAPITOLS AND WITH
DELEGATIONS THE STATUS OF THE AD HOC WORKING GROUP UPON THE
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COMPLETION OF THEIR VISIT TO SANTIAGO. DOES THE VISIT END
THEIR MANDATE, OR WILL THE WORKING GROUP CONTINUE TO
EXIST?

C. DEMOCRATIC KAMPUCHEA
MISSION GENEVA IS IN ALMOST DAILY CONTACT WITH OTHER
DELEGATIONS ENCOURAGING THEIR ACTIVE ROLE IN DOING SOMETHING
ABOUT DEMOCRATIC KAMPUCHEA. IT IS OUR FEELING THAT THE CASE
FOR THE CAMBODIAN PEOPLE SHOULD BE ARGUED WHENEVER POSSIBLE
BY COUNTRIES SUCH AS UK, NORWAY, AUSTRALIA ET AL.
SORENSON

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